

1. On August 14, 2015, the MCW Defendants filed the Combined Motion and a Memorandum of Law in support thereof. (Dkt. 21-22.)

2. On September 14, 2015, Dr. Love filed a Memorandum of Law in opposition to the Combined Motion. (Dkt. 34.)

3. On September 28, 2015, the MCW Defendants filed a Reply Brief in support of the Combined Motion. (Dkt. 36.)

4. In the Reply Brief, the MCW Defendants raise two new arguments they did not previously raise in their Combined Motion and supporting Memorandum of Law. Specifically, the MCW Defendants argue for the first time in their Reply Brief that the Separation Agreement between Dr. Love and MCW is actually a “Settlement Agreement” and that Dr. Love failed to allege in the Complaint that he was on administrative leave. (Dkt. 36 at 2-4, 8-9.)

5. Dr. Love is entitled to file a sur-reply brief to address those new arguments. *See, e.g., S.C. Johnson & Son, Inc. v. Nutraceutical Corp.*, No. 11-C-861, 2014 U.S. Dist. LEXIS 4549, at *5 (E.D. Wis. Jan. 14, 2014); *Matthews v. Waukesha Cnty.*, No. 10-C-440, 2012 U.S. Dist. LEXIS 27486, at *7 (E.D. Wis. Mar. 1, 2012).

6. Dr. Love offers a concise response to the MCW Defendants’ new arguments in his proposed Sur-Reply Memorandum of Law that comprises less than four pages of text.

7. If the Court were to deny Dr. Love leave to file his proposed Sur-Reply, he would be prejudiced because he would have no opportunity to respond to the MCW Defendants’ new arguments in their Reply Brief.

8. Dr. Love’s filing a sur-reply would not affect any deadlines because the Court has not yet set a discovery schedule.

WHEREFORE, Dr. Love respectfully requests the Court to grant him leave to file the attached Sur-Reply or, in the alternative, to strike any arguments the MCW Defendants have raised for the first time in their Reply Memorandum, and to grant any other relief the Court deems just and equitable under the circumstances.

Dated: October 14, 2015

Respectfully submitted,

/s/ Alexander R. Hess

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